



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

MEH:ddj

Docket No: 5275-00

7 November 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 27 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
27 Sep 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO NC1 [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 18 Jul 00
(b) NAVADMIN 253/98
(c) NAVADMIN 132/99

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of the petitioner's request.

- The petitioner reenlisted on 27 April 1999 for two years to continue active service. Reference (b) did not list a zone "C" SRB entitlement for the NC(C)(0000) rate at the time petitioner reenlisted. The petitioner's EAOS at the time was 27 July 2000.

- Reference (c), released on 30 April 1999 with an effective date of 1 May 1999 listed a zone "C" SRB entitlement for the NC(C)(0000) rate.

- The petitioner requests to cancel the reenlistment date of 6 April 1999 and effect a reenlistment on 1 October 1999 to receive the zone "C" SRB entitlement in reference (c).

- Navy Personnel Command/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. The petitioner's hindsight is not sufficient grounds to expunge the 27 April 1999 reenlistment as no error or injustice was committed.

2. In view of the above, recommend the petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.

A. F. CANTRELL, JR.
Head,
Reenlistment Incentives Branch